

THE TRUE AMERICAN.

Devoted to Universal Liberty; Gradual

Emancipation in Kentucky; Literature; Agriculture; Elevation

of Labor, Morally and Politically; Commercial Intelligence, &c. &c.

&c. &c.

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POETRY.

We believe with the editors of the Journal, that
these are the most exquisite poems written this side
of the Atlantic.

"The two noble poems subjoined have already
appeared in print—although we are unable to say
in what work they originated. They are the com-
position of one of our most distinguished poets—
Miss Anna Chandler, of Lexington. We have
no excuse for not giving them in the 'Journal'—
except that we have been profoundly
impressed with their excellence. In modulation
and force of rhythm—its dignity and loftiness of
sentiment—and in every other quality of expression—
they equal if they do not excel any of the
same character written by an American.—[Ed.
BROADWAY JOURNAL.]"

THE IDEAL.

"*La vie est un sommeil, l'amour en est la rêe.*
A sad, sweet dream! It fell upon my soul,
When song and thought first woke their echoes
there,
Swaying my spirit to its wild control,
And with the spirit, a fond despair,
Darkening the fountain of my young life's stream.
It haunts me still and yet I know 'tis but a dream.
Whence art thou, shadowy presence, that dost haunt
me
From earth's bright glories, that dost haunt
me
A mirage of life's desert dunes, that dost glide
Or with those glimmerings of a former birth,
A trailing cloud of glory, 'till hast thou come
From some bright world afar, our unremembered
home?
I know that dwell'st not in this dull, cold, Real,
I know thy home is in some brighter sphere,
I know I shall meet thee my Ideal,
In the dark wanderings of thy dream,
Why comes thy gentle image then, to me,
Wasting my night of life in one long dream of thee?
The city's people, smiling, the glare
Of festal lights, moonlight, and music's tone,
All breathe the life refrain—*thou art not there!*
And even with nature I am still alone,
With joy I see her summer bloom depart;
I love stern winter's reign—'tis winter in my heart.
And if I sigh upon my brow to see
The 'vanishing shadow of Time's restless wing,
'Tis for the youth I might not give to thee,
The deepest brightness of my first sweet
spring;
That I might give thee not the joyous form
Unworn by tears and cares, unlighted by the
storm.
And when the heart's I should be proud to win,
Breathe, in those tones that woman holds so dear,
Words of impassioned homage unto mine,
Coldly and harsh they fall upon my ear,
And as I listen to the fervor of thy strain,
My weary heart replies, '*Alas, it is not thou!*'
And when the thoughts within my spirit glow
That would out-pour themselves in words of fire,
If some kind influence bade the music flow
Like that which woke the notes of Memnon's
lyre,
Thou, sunlight of my life, wak'st not the lay
And song within my heart unuttered dies away.
Depart, O shadow! fatal dream, depart!
Go, I conjure thee, leave me this poor life,
And I will meet with thee, my Ideal,
In the full presence of thy grin beams,
Life's dream embodied in reality!
And in those eyes I read indifference to me!
Yes, in those star-like eyes I read my fate,
My horoscope is written in their gaze:
My 'house of life' has fallen, and I see
But the dark specter of my firm heart surveys,
Nor faint nor falters even by thy gaze—
'Tis calm and nerve and strong—no, no, it shall
not break!

For I am of that mood that will defy;
That does not court but meets the gathering storm;
That face to face will meet its destiny,
And undimmed confront its darkest form.
Wild energies awaken in this strife,
This conflict of the soul with the grim phantom life.
But ah! if thou hadst loved me had I been
All to thy dreams that to mine own thou art,
Had those dark eyes beamed eloquent on mine,
Pressed for one moment to that noble heart
In the full consciousness of my own life,
Life could have given no more—then had my
poor heart broken!

The Alpine glacier from its height may mock
The clouds and lightnings of the winter sky,
And from the tempest and the thunder's shock
Gather new strength to lift its summit high;
But kissed by sunbeams of the summer day,
It bows its icy crest and weeps itself away.
Thou know'st the fable of the Grecian maid
Wooed by the veiled immortal from the skies,
How in his full perfection, once she prayed,
That he would stand before her longing eyes,
And how that brightness, too intense to bless,
Consumed her, or wrought heart with its divine
ecstasy.

To me there is meaning in the tale.
I have not prayed to meet thee; I can brook
That thou shouldst wait to meet me; I can brook
I can give back thy cold and careless look;
Yet shriveled within my heart still thou art seen,
What there thou wert—a beautiful, bright
dream!

MISCELLANY.

THE LAW OF FOREIGN MISSIONS.

A LECTURE

BY HON. CHARLES J. INGERSOLL.

Several years ago, by way of evening employ-
ment in the country, I translated Bynkershoek's
twenty-four books of *Legum Torum*, assisted by
Barbeyrac's paraphrase, in turning very unclassical
and difficult modern Latin into English. Finding my
work when done but an imperfect view of the
subject, and becoming pleased with it, I
consulted Wicquefort, Belfield, Vattel, Grotius,
Mortin, Marten, and whatever other
writers upon it I could lay my hands on.
Finally, the following introduction was composed
to the knowledge of an important
branch of jurisprudence but little cultivated,
whose principles and practice, fully pre-
sented, form a useful and interesting por-
tion of law, seeming to supplant all other
law, and exist without law.

INTRODUCTION.

The employment of foreign ministers,
and perhaps their privileges, may be traced
to the earliest times; their agency is prob-
ably coeval with the existence of nations.
Moses sent messengers to the King of Edom
to negotiate a passage for the Israelites
through his territories. (Num. 20, 14.)
He also commissioned messengers for the
same purpose to the King of the Amorites,
(20, 21.) Hiram, King of Tyre, sent mes-
sengers to David, King of Israel, (2 Sam. 5,
11,) who waged war upon the Ammonites
for ill-treating his servants when sent to
them on a friendly errand. This last sen-

tence is mentioned by Grotius, (lib. 2, ch. 18, s. 11,) to show that the maltreatment
of such messengers, as they are termed,
was deemed a sufficient cause of war. And
when such authority as Barbeyrac (in the
preface to his translation of Bynkershoek)
inferred, from the three former instances, not
only the agency of foreign ministers, but
their inviolability, it might be presumptuous
to doubt whether these passages from
Scripture prove that the envoys or mes-
sengers employed on these occasions were pri-
vileged from jurisdiction or interruption.
In one of his parables, our Savior (Luke
14, 32) says of a king deliberating on hos-
tilities with a more powerful enemy, that he
sendeth an embassy and desireth condi-
tions of peace. There is no doubt of the
frequency of foreign missions at that time,
and their inviolability at all times may very
fairly be taken for granted from its neces-
sity to their existence.

A wicked messenger, saith the proverb, falleth
into mischief, but a faithful ambassador is health—
Prov. 13, 17.

The last note to the third chapter in
Matthew, in Clarke's learned and instructive
edition of the Bible, gives an account of
the ancient herald, whose function and
privileges were like those of the modern
foreign ministers.

In Shakespeare's King John, the first scene
of the first act shows that he was accurately
aware of the respect and immunity allowed
to them under the most unfavorable cir-
cumstances. King John, surrounded by
his Court, in a room of state, receives the
French ambassador, Chatillon, by inquir-
ing—

"Now say, Chatillon, what would France wish of us?"
To which Chatillon answers:
"Thus, after greeting, speaks the King of France:
'In my behavior to the majesty,
'The honored majesty of England here—'"

At this Queen Eleanor exclaims:
"A strange beginning! Borrowed majesty!"
"King John—Silence, good mother, hear the em-
bassy!"

Chatillon then, in the name of the King
of France, peremptorily demands Ireland,
Poitiers, Anjou, Touraine and Maine, as
belonging to Arthur Plantagenet, nephew of
Philip, King of France.

To this demand, the reply is by King
John—

"What follows, if we disallow all this?
Chatillon—The proud count of fies and bloody
war,
To enforce these rights so forcibly withheld.
King John—Then have we war for war and blood
for blood.
Controlment for controlment—so answer France.
Chatillon—Then take my King's defiance from my
mouth, and let the sword speak for me.
The farthest limit of my embassy."

King John's final rejoinder is remark-
ably evidential of Shakespeare's knowledge
of this peculiar law.

"Bear mine to him; and so depart in peace—
Be thou as lightning in the eyes of France,
For ere thou canst report, I will be there:
The thunder of my cannon shall be heard.
So hence! Be thou the trumpet of my wrath,
And sullen presence of your own decay."

Thus having defied and dismissed the
French minister with a declaration of war, the
King turns to his own officers, and adds:
"An honorable conduct let him have:
Pembroke, look to 't. Farewell Chatillon!"

In these few lines of blank verse we have
an excellent treatise of the whole law on
the subject, viz: that under almost any cir-
cumstances of hostility and provocation,
the minister or messenger of another State
is privileged for speech, and entitled to what
Shakespeare terms "honorable conduct," that
is, protection from molestation.

Cicero, in his *Oratio de Haruspicio*
Responsio, says: "Sic enim sentio jus lega-
torum, quoniam non minus presidio minium
est, tum etiam divino jure esse vallatum,"
which is referred to by Grotius, lib. 2, ch.
18, sec. 2, par. 1, not. 3. This inviolability
envoyed by divine right is probably as
strong an expression of it as can be em-
ployed. The sanctity and veneration of
their more title, in his opinion, render them
invulnerable, not only among friends or allies,
but enemies contending in arms.

Profane history teems with assurance
that the agents of negotiation between for-
eign countries, in war as well as in peace,
were exempt from all molestation, and prob-
ably jurisdiction, in their persons, their
property, and their attendants. The fre-
quent and decided recognition of the prin-
ciple, however, in ancient authors, is called
forth by such repeated, and sometimes fla-
grant infractions of it, that the rule seems
hardly to be asserted but to reprobate prac-
tical violations of it.

Herodotus (lib. 7, ch. 32) stigmatizes the
Athenians and Lacedaemonians as guilty of
a manifest breach of the law of nations
when they imprison the Persian ambas-
sadors. Caesar (Gal. lib. 3, ix) censures
the Gauls for imprisoning ambassadors,
whose name, he says, was always sacred
and inviolable among nations.

To these references may be added cita-
tions from Thucydides, Plutarch, Polybius,
Livy, Sallust, Seneca, Tacitus, Josephus,
with probably many more, if it were
necessary to fortify a position which, as
a general principle, seems to be universally
acknowledged. The curious or incredulous
as to the origin of the rule, may slake their
thirst at the reservoir of Grotius, whose
erudition is displayed on this point, as
throughout his elaborate work on the law
of war and peace. The true character
and extent of these important privileges,
and what abuses of them may have grown
into practice, are subjects of ascertainment,
but I believe we may rest satisfied of the
cardinal doctrine that, in all nations and
ages, foreign ministers have been recog-
nized and respected.

Vat. b. 4, ch. 7, s. 103.—The Poles, the
Moors, and the Turks are said to acknowl-
edge this part of the law of nations. The
Spaniards found it in Mexico, when they in-
vaded that part of America. Under cer-
tain modifications, it exists in China, in In-
dia, and in Ceylon. It is consecrated in
the Koran; in force in Arabia. Even the
Iroquois Indians, says Montesquieu, (Esp.
des Loix, lib. 1, ch. 3) who eat their prisoners,
nevertheless have so much of a law of
nations as to send and receive embassies,
and appreciate the regulations of war and
peace. Wicquefort deems it to be impos-
sible for a sovereign State to exist without
an ambassador. De Calieres declares that
the law of nations, as practised at all times,
by all nations, holds the ambassador's per-
son sacred among even enemies; otherwise
all the ties of nations would be severed.
Man. de Negot. part 2, page 285.

In his introductory lecture on the law of
nations, Macintosh ascribes to recent scan-
dals the precision and certainty which now
give the force of a statute to this part of
the law of nations. That elegant writer
questions the resemblance of the ancient
provisions to the modern rules of

foreign missions, and, notwithstanding the
noble arguments of Cicero, to which he ap-
peals, seems to deny that, as a law of na-
tions, the system had any establishment till
of late. Mr. Hallam ascribes to Grotius the
great work all the modern refinement of
the ancient barbarity of war. The same
speculative refinement might leave us in
doubt as to the international obligations or
authority of the law of nations even now.
No treaty enacts it, nor, perhaps, invariable
or universal usage. But at least, ever since
the middle of the thirteenth century, the
whole civilized world, by municipal regu-
lations, stands pledged, each State to the
rest, for enforcing the privilege of foreign
ministers. And no portion of the law of
nations, conventional or customary, stands
on firmer or more pronounced sanction.

1 Marten's Guide, ed. on republ. 342.—
In 1266 a law of Spain fixes the qualities
and duties of ambassadors and other agents
of the King.

2 Mart. 1121.—Part 2, tit. 9, ley 21.
The Emperor Charles the Fifth of Ger-
many published a declaration touching the
privileges of foreign ministers.

1 Mart. 342.—In 1593 the case of Philip
the Second, confirmed by Philip the Third
in 1599, fixes their exemptions from im-
posts when sent to Spain.

1 Mart. 467.—In 1643 a law of Portugal
regulates the cases in which foreign minis-
ters may be sued.

2 Mart. 1121.—In 1644 a German ordi-
nance was published concerning their claims
of asylum.

2 Mart. 712.—The States of Holland
enacted various resolutions and declarations
on this subject, from 1641 to 1791 inclusive,
which are particularly mentioned by By-
nkershoek in his *Forum Legatorum*.

2 Mart. 916, 17.—In 1671 and '78 Swe-
den also passed similar laws.

2 Mart. 836.—In 1683 Denmark, by law,
declared the inviolability of foreign minis-
ters.

3 Mart. 169.—In 1664 Spain restricted
their pretensions to afford asylum, and
abolished that of free-quarters, which ac-
knowledges the established privilege, and
ascribes the great extension of its abuses.

1 William and Mary 1, ch. 9, s. 5.—In
1688 an act of the English Parliament,
which removes Catholics from London and
Westminster, except strangers in the ser-
vice of any ambassador or foreign public
agent, which likewise acknowledges that,
by common law of nations, adopted as part
of English common law, the persons, house-
holds and followers of foreign ministers are
exempt from ordinary legal liability.

3 Mart. 361.—In 1768 a Swedish resolu-
tion declares their immunity from juris-
diction, and that of their effects from at-
tachment. In 1741 similar exemptions are
declared to belong to their domestics.

2 Mart. 1121.—In 1722 the Austrian
Government instructed their police agents
that the houses of ambassadors and foreign
ministers are exempt from visitation. In
1725 the same Government proclaimed
their immunity from jurisdiction. Since
then, by various public declarations, it has
denounced punishments against such as
injure them.

7 An. ch. 12.—The English statute of
1708 will be the subject of particular con-
sideration. The English statute (30 G. 2,
ch. 52, s. 11) of 1747 exempts from the
pardon then granted to the rebels all viola-
tions of the privileges of ambassadors and
other public ministers of foreign princes or
states. The English statute of 1763 (4 G.
ch. 3, s. 43) assesses the taxes payable by
the real estate occupied by ambassadors,
residents, agents, or other public minister
of any foreign prince or state, on the pro-
prietor of the estate so occupied.

In 1783 a resolution of the Congress of
the United States of America regulates the
ceremonial for the reception of foreign
ministers. The provisions of the Constitu-
tion of the United States and of the act of
Congress of September, 1790, deserve par-
ticular demonstration.

1 Mart. 21.—In 1792 the French Na-
tional Convention passed a decree relative
to the protection due to foreign ministers;
and in 1795 a decree regulating diplomatic
operations. In 1800 the French Consuls,
by resolution, established the four diploma-
tic grades to exist in France.

Thus nearly all the nations of the civil-
ized world, Prussia and Russia and the rest
might not doubt be added if necessary, ap-
pear to have made explicit provision for
the protection of foreign ministers, by var-
ious municipal regulations, covering the
period of the last six centuries. Pledges
of this kind proffered by nations to each
other, upon the faith of which foreign min-
isters are received and become resident
throughout Christendom, and indeed else-
where, constitute a law of nations as pre-
cisely expressed, as well established, and
as strongly enforced as the circumstances
either admit or require. Laws, according
to the definition of Montesquieu, are neces-
sary relations derived from the nature of
things. (Esp. des Loix, lib. 1, ch. 1, p. 1; id.
lib. 10, ch. 1.) The law of nations is
their political law considered in their rela-
tions with each other; according to his idea,
therefore, the laws of nations are as well
defined and as much prescribed as any other
regulations whatever. In this signifi-
cation, says he, even the Divinity has his
laws.

It may be granted that modern commen-
taries treat the subject more methodically
and with more science than the ancient.
But are our principles materially different
or preferable? Time, the greatest of inno-
vators, imperceptibly incorporates abuses
with the genuine ingredients of all systems.
Much of the ceremonial rank, subordi-
nation, and gradation of modern diplomacy is of
recent establishment and questionable right.
The power, arrogance, and pretensions of
ambitious monarchs have affected the law
of foreign missions with abuses distinguish-
able from its true principles. Wicquefort
begins his ponderous treatise on this
subject with a complaint of its being little
understood. And although Barbeyrac pro-
nounces Wicquefort the most authoritative
work extant on the subject when he wrote,
at least one-half of it is bestowed on the
most insignificant details. Belfield denies
some of Wicquefort's positions, as not only
unfounded but antiquated. And whoever
seeks for a scientific view of the law of na-
tions, in any of its departments, before the
volume of Vattel, might as well look for a
correct and convenient view of the laws of
England before the lectures now so familiar
to us, as in the works of Blackstone, which it
is not extravagant to say, mark an era in
the literature of law, whatever may be
thought of their influence on its learning,
as remarkable as that of the American revo-
lution in politics. Coke, in his Fourth
Institute, 153, lays it down that ambas-
sadors are punishable for adultery, (strange

exception to their general exemption,) or
any other crime against the law of nations.
To this crude mistake of the criminal law,
he adds, that in matters of contract, if the
thing be *malum in se*, as contradistinguished
from *malum prohibitum*, the ambassador is
liable to prosecution. Francis Bacon, as
attorney-general, about the same time, de-
clared that for treason in compassing the
King's death, an ambassador may be exe-
cuted, but not for any other treason. Queen
Elizabeth's reign, among its other arbitrary
acts of sometimes salutary power, was dis-
tinguished by the seizure and confinement
of Lesley, Bishop of Ross, Queen Mary's
ambassador, for conspiring Elizabeth's
death or dethronement, though the Scotch
ambassador was eventually discharged.
During the Commonwealth, Pantaloon de
Sa, brother and follower of the Portuguese
ambassador, was arrested by a troop of
horse, and forcibly taken from the ambas-
sador's house, tried before Chief Justice
Rolle and a special commission, condemned
and executed for murder at the London
Exchange. He pleaded his immunity; but
proved no more than that he was designa-
ted by the Government to succeed his brother
as ambassador, which certainly did not
privilege him. But he was only of his
family, taken forcibly from his house, and,
by the law, as now understood, could not be
further dealt with than to be sent home.
But Portugal was almost a dependant of En-
gland at that time, soliciting a treaty of
commerce with England, and Cromwell,
like Elizabeth and Napoleon, too strong and
self-willed to extend the privilege of foreign
ministers at the expense of the authority of
their own country. Wicquefort mentions
another instance of conspiracy against the
sovereign, that of De Bas, the French Min-
ister in England during Cromwell's Protec-
torate; who, when seized and confined, por-
tendously refused to answer questions, and
Cromwell and his council went no further
than to send him forth with out of England.
Hale says that reasons of state and the in-
terests of princes govern in cases of treason
by foreign ministers, and argues a distinction
between an attempt and an act of con-
spiracy against the sovereign. Mere *ma-
limum rerum novarum*, machination, solici-
tation, conspiracy of change of government,
or incommensurate attempts, he seems to con-
sider punishable. But acts of rebellion
he inclines to judge indictable in ambas-
sadors. Yet he refers to the cases of Men-
doza, the Spanish Minister, to Queen Eliza-
beth, who was only sent home for encourag-
ing treason, and of L'Aubespine, the French
ambassador, who, for conspiring the same
Queen's death, was only removed by her fa-
vorite Minister, Burleigh. Upon the whole,
Hale concludes that mutual concerns and
temperaments among princes are rather
measured by politic prudence and indul-
gence than according to the strict rules of
reason and justice. Foster, in like manner,
rather perplexes than makes clear the doc-
trine on this subject; several of the English
common law treatises, moreover, confuse it
still by alleging their principle of inalienable
allegiance against the assertion of Wicque-
fort and others, that a foreign minister is
privileged even in the country of his early
allegiance, if commissioned there by another
power. Indeed, so far did the disposition of
these English authors lead them to question
the often inconvenient exemption of foreign
ministers from the law's supremacy, that
East, in his Pleas of the Crown, mentions a
chapter he intended to publish on persons
capable of committing crimes. In this coun-
try, the privilege has been carried to an ex-
tent which nothing less than the peace and
harmony of nations would warrant. Kos-
loff, the Russian Consul-General, escaped by
the judgment of the Supreme Court of
Pennsylvania, when indicted for a rape.

The Spanish Charge d'Affaires had the
act of Congress put in force against a father
for resenting the Spaniard's unmanly attack
on his daughter; and, notwithstanding
Grotius's doctrine of adultery, I believe it is
fact that the privilege of foreign ministers to
be exempt from all jurisdiction, has been
pleaded successfully against a charge of
bastardy. For, as Blackstone states, after
reviewing the law in this respect, few if any
examples have happened within a century
past where an ambassador has been pun-
ished for any offence, however atrocious in
its nature. The universal inviolability of
ambassadors is an object, according to Vat-
tel, of much greater importance to the world
than their punishment for crimes, however
contrary to national justice. To the English
view of the subject it may be added that per-
manent foreign missions are considered a
modern institution, and that the law was
not a practical science until latterly; and,
indeed, it is certain that the peace and har-
mony of nations are promoted by the nu-
merous corps of these stationary incum-
bents, which, of later years, defy law al-
most everywhere! Is it, at any rate, desir-
able that their legal exemptions should be
constructively extended as they have been?
They are temptations to great abuses, which
have been often much abused.

Most of the germs of the law of nations
may be found in the rich mould of Grotius;
and I think it may be said that if Cicero
had considered the law of foreign missions
in large, his sentiments would have been in
accordance with those which now prevail.
The essential principles are, as he said, eter-
nal and immutable, found in a right rea-
son, which expounds and maintains its own
regulations, applied to all nations, at all
times, with a sanction superior to any enact-
ment.

Cons. par Boucher, ch. 76, p. 3, 7. In
that venerable compilation called the Con-
sulate of the Sea, the existence of which has
been traced to as early an age as the middle
of the fifteenth century, there is a chapter
on this subject which contains a perfect
sketch of the principles at present asserted.
A sovereign's agent, says this ancient au-
thority, is called a public minister, accredi-
ted by letters of credence near to another
sovereign, in order to treat of public affairs
which equally concern them both. Inas-
much as this public minister enjoys a rep-
resentative character, it follows from this
consideration that all he does is supposed to
be done by his sovereign; and as his sov-
ereign is regarded as resident in his own do-
minions, by a fiction of public law the min-
ister is not considered present in the terri-
tory of the power where he is, but residing
in his own country, so that his supposed terri-
tory is limited to that which is necessary to
him for the occasions of his important func-
tions; without those limits afforded by the
law of nations, that which he may occupy
elsewhere is subject to the local jurisdiction.
One sovereign having no jurisdiction in the
territory of another, it is clear that he
near whom the public minister resides has
no jurisdiction over the territory he inhabits,
and which is given to him by the law of
nations. From these great principles there

results an immunity for every thing com-
prehended by the occasions of the embassy,
which embraces their persons and their
property; hence absolute inviolability ex-
cept for atrocious crimes. Therefore, in
the old formularies of the Roman people, as
may be seen in the laws of the Twelve Ta-
bles, the ambassador said to the Power to
which he was commissioned, "King, or mas-
ter of ceremonies, do you allow me, my
equipment, or attendants, the character of
ambassador of the Republic of the Roman
people and citizens?"

Blackstone's reason for their privilege
from that jurisdiction to which all other
persons and things are subject, is similar to
that of Consulate of the Sea. The for-
eign minister represents a sovereign not
amenable, judicially, to any other, to whom
he owes no subjection; much less can he be
made responsible to individuals: wherefore
it seems to be impossible for a judicial tri-
bunal to take cognizance of his debts or
offences, except crimes against the law of
reason and nature. Bynkershoek's theory
of the privilege (ch. 9, s. 6, 8, 5) is like
Blackstone's, without, however, being as
clearly explained. Belfield refers it to the
intelligence and tacit understanding of na-
tions to be gathered from the experience
of all ages, and the opinions of celebrated
authors; Montesquieu (Esp. des Loix, lib.
26, ch. 21) to a necessity resulting from
international as contradistinguished from
political law. The Supreme Court of the
United States (7 Cra. 116) seems to have
adopted the legal fiction as to the sup-
posed extra territorial residence of the for-
eign minister, (lib. 4, ch. 5, sec. 55; ch.
7, sec. 81.) In Vattel's opinion the peace
and harmony of nations require that they
should negotiate for their preservation; and
they cannot negotiate without restraint un-
less their envoys are inviolable. Inviolability
is therefore a consequence of the
right of nation: the one would be pre-
judicial to the country he is sent to. To
which he adds, (sec. 82,) perhaps the strongest
of all arguments, that as all States ex-
ercise a perfect right of refusing to receive
foreign ministers, their reception amounts
to an implied promise of protection and
privilege. We have already seen that there
is hardly a civilized nation, if any,
which has not published laws for this pur-
pose; and that barbarous people also act on
similar principles of intercourse with for-
eign agents. Wolff denies that their in-
violability is part of the natural law of na-
tions. Macintosh questions, as before men-
tioned, the sanction as well as the precision
of the regulation till latterly. But when
the indignity of reason and convenience
are so cogent and universal as in this in-
stance, affecting nearly all mankind alike,
the common result becomes as much a rule
of action as it can be, and any further specu-
lation as to its origin or obligation would
be little more than an inquiry: What is the
law of nature as applied to nations?

Belf. ch. 9, s. 6.—No competent agent
could serve his country abroad but on con-
dition of perfect immunity. His exposure
to insult, interruption, and injury would be
in proportion to the zeal and importance of
his services. His papers would not be safe
from spoliation, his house from invasion,
his person from violence. His errand is
often disagreeable and offensive, sometimes
inimical to the country he is sent to. His
mission would not be free to decide with the
proper firmness and loyalty, if any fear of
personal inconvenience could deter him.—
He must be above all hope as well as fear
from the country he treats with. Not only
his liberty and dignity, but his time,
must be unimpairable, which could not be,
if he should be constrained to defend his per-
son, property or attendants from suit or
prosecution. None of these considerations
are merely personal to the individual, but
representative and national. They con-
cern the constituents more than their min-
ister. It is the need of nations, as such,
felt, acknowledged, and claimed by all
States, that it is the holy league of nations;
ch. 8, sec. 11. Mably's Principles of Nego-
tiation verifies the functions, duties, and
characters of foreign agents.

Nuncio, six verax, tacitus, celer at que fidelis.
Fœderi orator, pacis via, terminus ius
Semen amicitie, bellis fuga, lustrum hostis.
Foreign ministers should be truthful,
taciturn, prompt, and loyal; defenders of
treaties, bonds of peace, quellers of dis-
putes, seeds of amity, foes of strife, and
antagonists of war.
He adds, that if people were their own
legislators, wars would be few, sharp and
deadly, instead of long and ambitious; and
that steady politics and diplomacy most
flourish where merit, not birth or chance,
leads to promotion, and accident or intrigue
regulate events as they elevate men.

The general duties of a foreign minister
are particularly explained by Belfield as
follows:
He is to deliver letters of credit, and of
course to obtain their recognition. To bring
about conferences with the ministers, and
audiences with the executive of the coun-
try where he resides, communicating and
receiving propositions, and transacting the
business of his mission both by written
correspondence and personal interviews.
To negotiate treaties of peace, boundaries,
alliance, commerce and navigation, or others,
if so instructed. To pay no unremitting at-
tention to all occurrences, and to make ex-
act and regular reports of such as are im-
portant to his own Government. To en-
gage the two Governments in amicable cor-
respondence respecting their mutual inter-
ests; to preserve a good understanding be-
tween them, and to endeavor to remove all
obstacles to it. His constant study will be
to secure as much as possible, by all fair
means, the good-will of the Government
and people near whom he resides, both to-
ward himself and his fellow-countrymen;
and likewise to impress the foreign Gov-
ernment and people with a good opinion of
his own; turning all occurrences to their
advantage. He is to favor the commerce
and navigation of his own country with
that in which he resides. If their territo-
ries adjoin, his task will be to allay such
misunderstandings as grow out of that
neighborhood, or which concern bound-
aries, deserts, enlistments, or the like;
and to strive to terminate amicably all dif-
ferences that may occur between them.—
It will be useful for him to keep up a good
understanding with other foreign ministers
residing at the same place, especially those
of allies, in order by their means to ascer-
tain the movements and designs of other
nations. His office enjoins him to protect
as far as the general laws of nations allow,
and particular conventions may stipulate,
all of his own countrymen who may hap-
pen to be in the country of his mission, pro-
vided they are not unworthy of his counte-
nance, extending to them his aid, comfort,
and hospitality. (4. Black. Com. 68.) He

is also empowered to furnish passports and
safe conducts to such of them as may be
going from that country; and to strangers
who require such documents. If his coun-
trymen have funds in the public stocks of
the country near which he is in mission,
he will superintend that property for them,
and the payment of dividends when re-
quired; and if the citizens of the foreign
country where he resides own funds in the
stocks of his own country, or succeed to in-
heritances there, he will provide for them
the necessary certificates, attestations, and
other such succor and facilities.

The Latin denominations Legatus and
Orator, comprehend all classes of envoys.
The word ambassador, by good authorities,
derived from a Spanish root, also includes
all messengers. But our learned linguist,
Mr. Duponceau, is probably better authori-
ty

